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February 17, 2009

STB Ex Parte No 684
Surface Transportation Board
395 L Street, SW
Washington, DC 20423-0001

To Whom It May Concern

The Surface Transportation Board issued a Notice of Proposed Rulemaking and indicated that comments could be submitted to the Board until February 23, 2009. Veolia ES Solid Waste of NJ, Inc. submits the following comments for review:

- 1) The Board should address the process allowing the State to require a solid waste facility or a rail carrier that operates a facility to apply for a string permit. The same level of environmental regulations should be applied to all solid waste rail transfer facilities as are facilities not located on rail properties.
- 2) All land use exemptions should determine or assure that that locations do not pose a risk to public safety, health or environment. State and local laws should be fully reviewed prior to any determinations.
- 3) 49 C.F.R. 1105.7(e) (4) (5) the environmental thresholds are focused on rail related environmental impacts not on the potential impacts of concern for the solid waste management activities at a solid waste rail transfer facilities. State permits that any other solid waste management facility should also be required for these rail facilities.

The above comments are submitted for the Board's review.

Sincerely,

A handwritten signature in black ink, appearing to read "Dominic Maruca".

Dominic Maruca
Area Manager
Veolia ES Solid Waste of NJ, Inc.
cc: Steve Changaris

ENTERED
Office of Proceedings

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